IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 633 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/02/2005 in WP NO : 24231 OF 2002 on the file of the High Court.)

Between:

P. Mohan Rao, S/o. Late Satyanarayana, Hindu,
R/o. D.No. 8466 in Danampeta, Ichapuram, Srikakulam District.

..... APPELLANT

AND

1 The State Transport Appellate Tribunal, A.P.
Hyderabad by its Presiding Officer,
Manoranjani Complex, Near Ajantha Gate of Exhibition
Grounds, Mojamjahi Road,
Hyderabad.
2 The State Transport Authority, A.P. by its Secretary,
Burgula Ramakrishna Rao Buildings,
Tank Bund Road, Hyderabad.

3 The A.P.S.R.T.C. Rep by its Vice Chairman and Managing Director,
Musheerabad, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant : MR.T.VENKATA RAMANA

Counsel for the Respondent Nos. 1 and 2: GP FOR TRANSPORT

Counsel for the respondent No.3: MR. K. SRINIVAS RAO.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. Appellant was granted a stage carriage permit on the route in question by the State Transport Authority, Andhra Pradesh, on 16.10.1999. The order was

later on set aside by the State Transport Appellate Tribunal on 06.11.2002. Appellant filed writ petition and by order dated 05.12.2002 the order of State Transport Appellate Tribunal was suspended and this petitioner continued to ply the bus on the route in question. Writ petition was disposed of by learned single Judge on 03.02.2005 by setting the order of the revisional authority dated 06.11.2002 with direction to the State Transport Authority, Andhra Pradesh, to pass fresh order on the petitioner's application dated 17.05.1999 for grant of a pucca stage carriage permit with utmost expedition, in any event within eight weeks from the date of receipt of a copy of the order. It was also made clear that the petitioner – appellant's right to ply the vehicle on the inter-state route shall be subject to the decision taken by 2nd respondent.

2. The petitioner – appellant is aggrieved by certain findings made by the learned single Judge, which, according to the learned counsel for the appellant, are likely to prejudice the decision making process of 2nd respondent – State Transport Authority.

3. Learned counsel for 3rd respondent – A.P.S.R.T.C., states that on remand the State Transport Authority heard the matter afresh on 19.03.2005 and has reserved the order. Learned counsel for the appellant states that without issuing notice to him, it appears that the State Transport Authority, due to short of time, simply issued notice to the appellant and in the absence of the appellant, reserved the order.

4. Having heard learned counsel for the parties and having considered the submissions made at the bar, we are of the view that State Transport Authority, Andhra Pradesh – 2nd respondent, has to consider the application of the petitioner – appellant dated 17.05.1999 for grant of pucca stage carriage permit afresh in accordance with law as it prevails today uninfluenced by any adverse findings recorded against either of the parties. The decision has to be taken strictly in accordance with law, rules and

regulations by the State Transport Authority, and since adequate opportunity has not been afforded to the learned counsel for the appellant, we extend the time fixed by the learned single Judge making it clear that decision will be taken within four months from today by the State Transport Authority and till the State Transport Authority takes appropriate decision in the matter, status quo as of today shall continue to be maintained for operation of the vehicle on the route in question. State Transport Authority will ensure that notice is duly served upon the learned counsel for the appellant – petitioner.

5. With the observations as above, writ appeal is disposed of. No costs.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 29.03.2005.

VRK.

To

1 The Presiding Officer, State Transport Appellate Tribunal, A.P., Hyderabad,
Manoranjani Complex, Near Ajantha Gate of Exhibition Grounds, Mojamjahi Road, Hyderabad.
2 The Secretary, State Transport Authority, A.P., Burgula Ramakrishna Rao Buildings,
Tank Bund Road, Hyderabad.
3 The Vice Chairman and Managing Director, APSRTC., Musheerabad, Hyderabad.

4. Two CCs to G.P. for Transport, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

*Form-NIC-OGS/WA {**RLD**}*

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

W.A.NO. 633 OF 2005.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 29.03.2005.

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